



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 02/17/04

AGENDA ITEM 6

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change PL-2001-0340 – One-Year Extension of Time to Submit Precise Development Plan for 200-Unit Retirement Center – Livermore Acres, Inc. (Applicant/Owner) – 29228 Mission Boulevard opposite Intersection with Valle Vista Avenue

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution approving a 12-month extension to submit the Precise Development Plan for Zone Change PL-2001-0340.

DISCUSSION:

On February 25, 2003, the City Council unanimously approved a general plan amendment and a zone change to Planned Development District to create a 200-unit retirement housing complex on the 5-acre Valle Vista Skating Rink site. A Precise Development Plan is required for Planning Commission approval within one year of project approval. The Council may, however, grant a maximum of two 1-year extensions for submittal of the precise plan. In making a decision on approval of an extension, the Council is to consider the cause for delay, and evidence of the applicant's ability to adhere to the revised development schedule. At this time, the applicant indicates he is involved with a large residential project elsewhere, and the financial and administrative demands of that project necessitate a delay in the commencement of the retirement housing complex until Spring 2005; therefore, a 12-month extension is requested to prepare the Precise Development Plan.

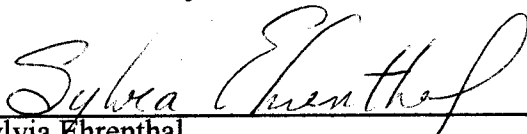
As part of the project approval, the parcel was reclassified from multiple General Plan Map designations to High-Density Residential (HDR). This Planned Development District remains consistent with the General Plan Map designation. No changes to the project are proposed as part of the extension and there have been no significant changes in the area or in City policies that would require a new environmental study or which would be in conflict with the adopted preliminary plan of the planned development.

Prepared by:


A handwritten signature in black ink, appearing to read "R. Patenaude", is written over a horizontal line.

Richard E. Patenaude, AICP
Principal Planner

Recommended by:

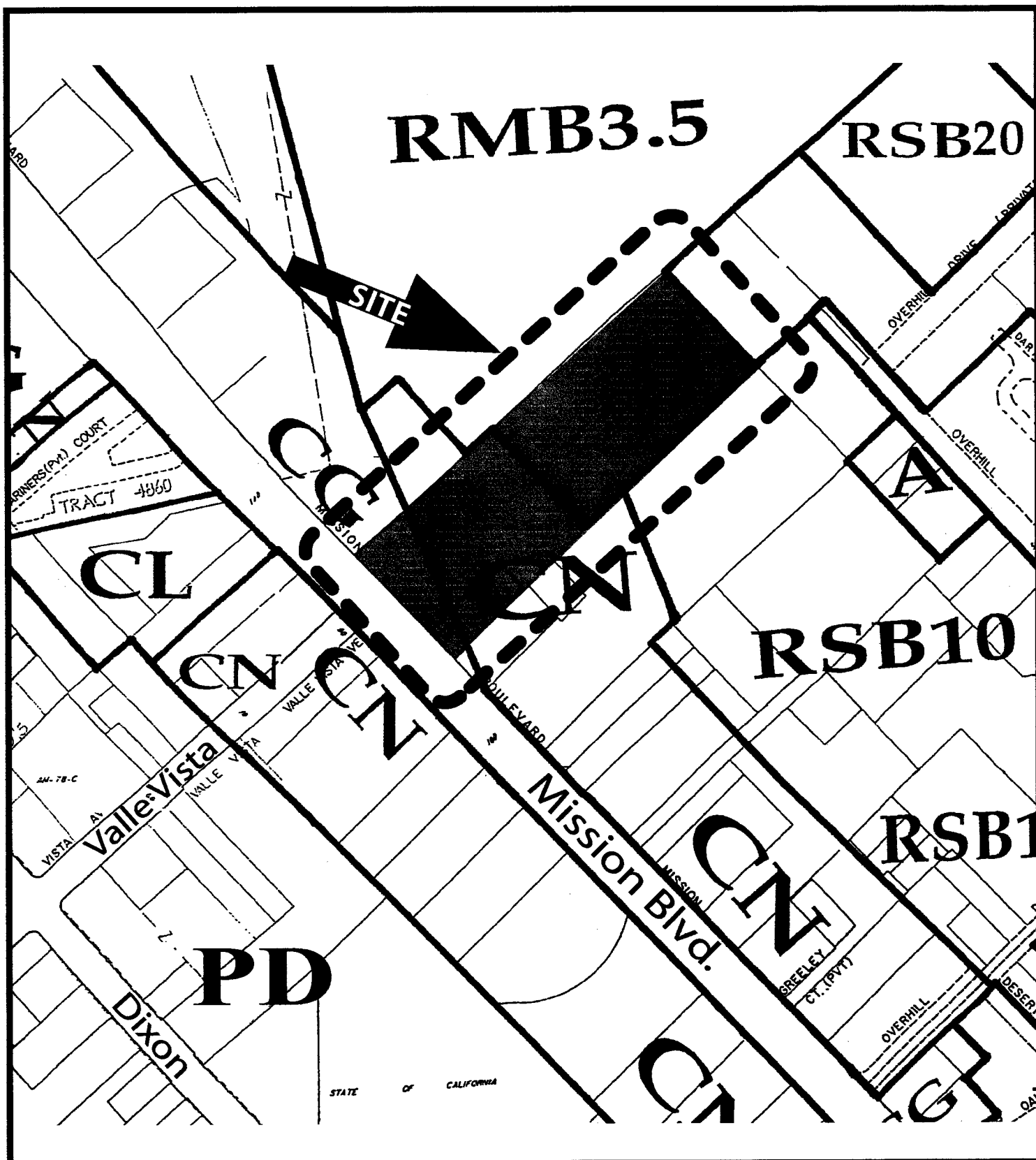

Sylvia Ehrental
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A. Area Map
Exhibit B. Request for Extension of Time
Plans
Draft Resolution

2/4/04



Area & Zoning Map

PL-2002-0292 GPA

Address: 29228 Mission Blvd., at Valle Vista Skate Rink

Applicant: Anthony B. Varni

Owner: Livermore Acres, Inc.

A-Agricultural-ABSA, AB10A, AB100A, AB160A

CG-General Commercial

CL-Limited Access Commercial

CN-Neighborhood Commercial

PD-Planned Development

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential, RSB4, RSB6

VARNI, FRASER, HARTWELL & RODGERS

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

650 A STREET

P.O. BOX 570

HAYWARD, CALIFORNIA 94543-0570

PHONE: (510) 886-5000 FAX (510) 538-8797

WEBSITE: VARNIFRASER.COM

February 11, 2004

LIONEL A. RODGERS
(1943-1903)

JOHN E. HARTWELL
(1924-1903)

LIVERMORE OFFICE

2109 FOURTH STREET
LIVERMORE, CA 94580
(925) 447-1322
FAX (925) 443-7831

VIA FAX AND MAIL

Jesus Armas
City Manager
City of Hayward
777 "B" Street
Hayward, California 94541-5007

Re: Valle Vista Retirement Community Project

Dear Jesus:

As you are aware, the Pestana family (Livermore Acres, Inc.) has requested an extension of time to submit "final" building plans and site plans to the City staff for Planning Commission review and approval. In turn, the City of Hayward has requested some assurance from the Pestana family that they are capable and willing to proceed with this project. Under separate cover, you will be receiving a letter from John Tague on behalf of Livermore Acres, Inc. I have enclosed for your convenience a copy of that letter.

I believe the following thoughts are worth considering:

1. The Pestana family has owned the property for over fifty years. This property has been held back for thirty years by the proposed freeway.
2. It is their stated position that they intend to build the project and own it themselves.
3. The project is financially feasible as a retirement community.
4. The project meets all requirements of the City of Hayward Planning Department, Fire Department, Public Works Department, etc.

5. The property owners are not seeking any assistance from the City so as to be able to bring it in at a reasonable, marketable price for the proposed residents.
6. This is a complex project and the cost of preparing the design documents requested at this stage in the process is in excess of \$500,000.
7. The property owner has caused the current tenant to vacate the property so it will be available to be demolished and the new construction can start once the City has gone through the final approval phase. Further, the City staff has advised the property owner that they will not allow anyone to occupy these buildings in light of the action taken by the City Council and the Planning Commission. The property owner had recently be contacted by a religious group that wanted to use the facility for a center for the dispersal of goods to needy families. The staff has advised the property owner that this is not a possible use under the current Planned District designation. In other words, the property owner has every reason to move forward with the project in that they now have a vacant building and the City will not allow them to reoccupy it.

It is hoped that the enclosed letter of February 6, 2004, meets your requirements.

Very truly yours,

VARNI, FRASER, HARTWELL & RODGERS

ANTHONY B. VARNI

ABV/l
Armas.Ltr
Enclosure

cc: Client

LIVERMORE ACRES, INC.

PO BOX 1916
MANTECA, CA 95336
(209) 825-5109

February 6, 2004

Jesus Armas
Manager for City of Hayward
777 B Street
Hayward, CA 94541

"RE: Valle Vista Retirement Community Project

Dear Mr. Armas:

I would like to take this opportunity to explain the ownership and structure of Livermore Acres, Inc. and to explain why it is necessary to have a short delay with regard to the approval of more precise plans and specifications for the Valle Vista Retirement Community Project.

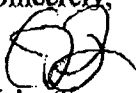
Livermore Acres, Inc. (incorporated 1952) and owned by the Pestana family. The Pestana family has been involved in the development of numerous residential and commercial projects in Hayward, San Leandro, Tracy, Manteca, to name only a few over the past sixty years.

At this time, the Pestana family is developing the John Pestana Business Park in San Joaquin County. Unfortunately, there has been an unanticipated disruption to this project due to the State Highway Department accelerating the time period for the construction of a grade separation adjacent to this industrial park. This disruption had the possibility of significantly delaying the project which was under construction and, therefore, we had to allocate the people available to solve this problem during the latter part of the year 2003.

Further, we have experienced a six-month delay in getting our tenant of some forty -three years at the Valle Vista Skating Rink to shutdown his operation. The Bolten family had difficulty in coming to the realization that the skating rink needed to be closed down. Due to our longstanding relationship, we did not wish to put undue pressure on them, but eventually it was necessary for them to vacate. There was some uncertainty as to whether or not we were going to get them to voluntarily leave and, therefore, we were reluctant to move forward with the final plans and specifications until we had them out of the premises.

Yoshino / Shaw, our architects, are proceeding with the plans. Unfortunately, we have not had the time to help them in doing the final design and, therefore, they are six months off schedule. Livermore Acres, Inc. fully intends to build and maintain ownership of the Valle Vista Retirement Community Project. The Pestana family has owned this property for in excess of fifty years and they are very much committed to this project.

Sincerely,

A handwritten signature in black ink, appearing to be "John Tague", written over a circular stamp or seal.

John Tague
Property Manager"

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Council Member _____

mt
1/29/04

RESOLUTION APPROVING A 12-MONTH EXTENSION OF
TIME FOR THE APPLICANT TO SUBMIT A PRECISE
DEVELOPMENT PLAN FOR ZONE CHANGE NO.
PL-2001-0340

WHEREAS, on February 25, 2003, the City Council approved a general plan amendment and a zone change to a Planned Development District to create a 200-unit retirement housing complex on the 5-acre Valle Vista Skating Rink site which requires that a Precise Development Plan be submitted within one year of project approval; the City Council may grant an extension of time to submit the Plan if there is reasonable cause for a delay; and

WHEREAS, staff has determined that an extension of time is necessary as the applicant is involved with another large project and administrative and financial demands require a delay until the spring of 2005.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that for the above reasons a 12-month extension of time within which a Precise Development Plan is submitted for Zone Change Application No. PL-2001-0340 is hereby granted.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**